

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Western DIVISION

FILED
2022 OCT 17 AM 10:49
3:22 cv 295

David S. Link Pro Se

(Enter Above the Name of the Plaintiff in this Action)

VS.

Toby Henderson, Mark Martin, Jim Ambrose, Jennifer Kane,
and Lori Parks The Board of Education of Kettering City Schools,
in their official capacities

(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

Ken Miller

Tyler Alexander

Liz Jensen

Jeff Reashaw

Zach Pickens

WALTER H. RICE

CAROLINE H. GENTRY

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

David S. Link Pro Se

Name - Full Name Please - PRINT

1561 Cambren Court

Street Address

Vandalia, OH 45377

City, State and Zip Code

937-554-6199

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. The Board of Education of Kettering City Schools
Name - Full Name Please
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
Address: Street, City, State and Zip Code
2. Toby Henderson
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
3. Mark Martin
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
4. Jim Ambrose
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
5. Jennifer Kane
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
6. Lori Parks
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☒ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☐ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☐ Title _____ United States Code, Section _____
[Other federal status giving the court subject matter jurisdiction.]

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Ken Miller
Name - Full Name Please
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
Address: Street, City, State and Zip Code
2. Tyler Alexander
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
3. Liz Jensen
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
4. Jeff Renshaw
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
5. Zach Pickens
580 Lincoln Park Blvd, Suite 105, Kettering OH 45429
6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

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[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☐ Title _____ United States Code, Section _____
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

1. Claims of violation of First Amendment rights and discrimination against Defendants for actions based on Plaintiff's conversations including, but not limited to, those reported September 16, 2021 by Defendant Zach Pickens (Exhibit 9)
2. Claims of violation of First Amendment rights and discrimination against Defendants related to allegations in Title VII and Title IX investigations and all other investigations.
3. Claims of violation of Fourteenth Amendment rights of due process and equal protection and discrimination against Defendants for actions based on Plaintiff's conversations and allegations in Title VII and Title IX investigations and in all other investigations.
4. Claims as described in EEOC Charge of Discrimination 473-2022-01132 (Exhibit 1) pursuant to EEOC Determination of Rights issued July 26, 2022 (Exhibit 2)
5. Claims as described in Title IX Formal Complaint dated February 3, 2022 (Exhibit 3)
6. Claims of discrimination in testimony by Defendants in Title IX Investigative Report (Exhibit 4)

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

7. Claims of discrimination by the Board of Education of Kettering City Schools as described in letter dated July 8, 2022 (Exhibit 5)

8. Claims of discrimination and OWBPA rights by Defendants in refusing to honor revocation of Resignation Agreement and Waiver and Release dated June 7, 2022 (Exhibit 6), revoked and acknowledged June 12, 2022 (Exhibit 7)

The claim is pursuant to 29 CFR p. 1625.22- Waiver of Rights and Claims Under the Age Discrimination in Employment Act (ADEA), and pursuant to *Neely v. Good Samaritan* 345 F App x 39 (Sixth Circuit 2009). The agreement is a general release of all claims including age claims, the agreement also includes the essential provisions of the Older Workers Benefit Protection Act (OWBPA), subsections (f)(1)(A) through (f)(1)(E) and therefore "the right to revoke... is required by law".

The agreement was signed June 7, 2022 and revoked June 12, 2022, within the seven days.

9. Claims of violation of Fourteenth Amendment rights and discrimination in dismissing Title IX Complaint in email dated June 22, 2022 (Exhibit 8)

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

1994 CV 01231 David S. Link vs. Dungan Enterprises

vs. _____

vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

1. Declaratory Judgment or order by the court or otherwise that the Resignation Agreement and Waiver and Release is revoked, void and unenforceable, enforceable insofar as revocation
2. Reinstatement to employment status prior to Administrative Leave with backpay and reimbursement of benefits through order of the court or otherwise
3. Completion of all investigation dismissed by the "Agreement" including Title VII and Title IX investigations, through order of the court or otherwise
4. Jury trial to resolve dispute and claims of discrimination

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 17 day of October, 2022



Signature of Plaintiff